REMARKS

The Examiner is thanked for the due consideration given the application.

The claims of the present invention have been restricted into the following groups:

Group I: Claims 1-17, 22-25 and 27-31, drawn to a device for wet treatment of wafers, and

Group II: Claims 18, 20, 21, 33-35 and 37, drawn to a method for wet treating a single wafer.

Group I, claims 1-17, 22-25 and 27-31 is elected with traverse.

As is set forth in MPEP 803, there are two criteria for a proper requirement for a restriction between patentably distinct inventions:

a) the inventions must be independent or distinct as claimed; ***and***

b) there would be a serious burden on the Examiner if restriction is not required.

In this case, no burden is placed upon the Examiner because all the claims of Groups I and II have been searched and considered.

In the Office Action of January 23, 2009 rejections were set forth including the rejection of claims 1-11, 13 and 14 of Group I over a combination including AEGERTER et al. (U.S.

Patent 6,622,292) and CAVAZZA (U.S. Publication 2002/0162570). This Office Action additionally rejected claims 18-21 of Group II over a combination including AEGERTER et al. and CAVAZZA.

As consideration and search have already occurred, and the claimed prior art has been applied to both groups, it is clear that both Group I and Group II are so intimately interrelated that no undue burden is placed upon the Examiner.

Additionally, at paragraph 2 of the instant Office Action the AEGERTER et al. and CAVAZZA references are utilized to allege that the claims of Groups I and II do not relate to a single inventive concept under PCT Rule 13.1 because under PCT Rule 13.2, they lack the same or corresponding special technical features.

However, the International Search Report of September 29, 2004 found that the PCT application, which contained both apparatus and method claims, did not set forth separate inventions.

Additionally, it is respectfully noted that in this field of endeavor patents are issued which contain both apparatus and method claims. See, for example, U.S. Patent 7,265,900 and U.S. Patent 6,633,034.

Therefore, for all the above reasons, rejoinder and continued prosecution of all the claims on the merits is respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/Robert E. Goozner/

Robert E. Goozner, Reg. No. 42,593
209 Madison Street, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

REG/fb